

90 97-184-A **PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B (111.C.3 1945) to permit a side yard setback of 4.5 ft. in lieu of the required 7 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Dwelling consists of two (2) bedrooms, four (4) occupants, full time, all mother periodically for extensive periods of time resides in home.
2. Addition necessary for additional living space and access to second floor.
3. House located on lot in such manner prohibited addition to be erected otherwise cosmetically.
4. Permit granted, periodic inspections, no complaints in two (2) years during construction.
5. Monetary and labor investment would create extensive hardship if required to move.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

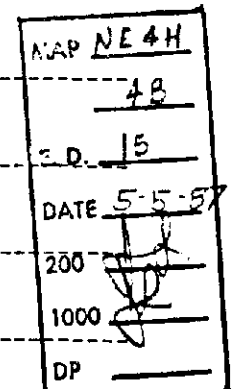
Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____

Legal Owner(s):
James D. Wyer
(Type or Print Name)
Signature *James D. Wyer*
Cleogene H. Wyer
(Type or Print Name)
Signature *Cleogene H. Wyer*

Attorney for Petitioner:
Sutton & McCurdy
(Type or Print Name)
Signature *William R. Sutton*
2115 Old Orens Road
Address
Baltimore, Maryland 21220
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name _____
Address _____
Phone No. _____

Attorney's Telephone No.: 686-2200
Address _____
Phone No. _____



James D. Wyer, et ux
SE/S of Stabilizer Dr. opposite
the c/l of Right Elevator Dr.
(25 Stabilizer Dr.) 15th Elec. Dist.

ORDER RECEIVED FOR FILING
Date *11/14/86*
By *Stacy J. Schuman*

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S of Stabilizer Drive * DEPUTY ZONING COMMISSIONER
opposite the c/l of *
Right Elevator Drive * OF BALTIMORE COUNTY
(25 Stabilizer Drive) *
15th Election District * Case No. 87-184-A
James D. Wyer, et ux *
Petitioners *

The Petitioners herein request a zoning variance to permit a side yard setback of 4.5 feet in lieu of the required 7 feet to construct an addition.

Testimony by the Petitioners indicated that their existing dwelling was placed on the lot at an angle rather than parallel to the road. Permit applications were made in April 1984 to enclose the side porch (Protestant's Exhibit 2), in October 1984 to construct a rear addition (Petitioner's Exhibits 1a and 1b), and in July 1986 to make that rear addition two stories high (Petitioner's Exhibit 3). The plot plans for the permit applications were drawn on the County form which shows a dwelling placed squarely on the lot, even though the Petitioner testified she informed the County clerk the house was placed at an angle. Construction on the rear addition began in October of 1984 and continued in the summer of 1985; the first floor is currently 90% complete. The Petitioners propose using the first floor as a family room connected to the original dwelling by means of an existing door and the second floor as three bedrooms. There will be no kitchen in the addition and no apartment will be constructed. The addition will be sided with almond vinyl siding to match that on the original dwelling. It is anticipated that construction will be completed by November 1987. Both the porch enclosure and the rear addition were constructed as indicated on the plan submitted and identified as Petitioner's Exhibit 4.

The adjacent neighbor testified in protest that he is of the opinion that the Petitioners are responsible for the incorrect drawings submitted with the permit applications, that certain construction work was done subsequent to a

affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this *14th* day of November 1986, that the herein request for a zoning variance to permit a side yard setback of 4.5 feet for the first floor of the rear addition, in accordance with Petitioner's Exhibit 4, is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) The second floor of the rear addition shall be no closer than 7 feet to the property line.
- 2) Water runoff from the rear addition shall be channeled to Stabilizer Drive.
- 3) All exterior construction on the rear addition, including matching vinyl siding, shall be completed by October 15, 1987.

Stacy J. Schuman
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date *11/14/86*
By *Stacy J. Schuman*

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Beginning on the SE/S of Stabilizer Drive opposite the centerline of Right Elevator Drive, being known as Lot 452 of Section 2 of the Victory Villa Subdivision as shown on the subdivision plat filed among the Land Records of the County of Baltimore, State of Maryland, in Plat Book 22, Folios 97 through 116. The improvements thereon now being known as No. 25 Stabilizer Drive containing 5737 sq. ft. in the 15th Election District.

ORDER RECEIVED FOR FILING
Date *11/14/86*
By *Stacy J. Schuman*

ORDERED By The Zoning Commissioner of Baltimore County, this *24th* day of *September* 19*86*, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the *7th* day of *November* 19*86*, at *10:15* o'clock *A.* M.

Carol J. Jahn
Zoning Commissioner of Baltimore County.

(over)

97-184-A

stop work order, and that the original 5' x 6' porch was enlarged to approximately 6' x 12' contrary to the permit application verbage "to remain same" (Protestant's Exhibit 2). Since two of his doors face the recent construction, he has lost his view and privacy, and the value of his property has decreased. Although he is opposed to the requested variance for the enclosed porch, he does not believe the enclosure should have to be removed. He believes that any hardships for the Petitioners are of their own making.

The president of the Victory Villa Improvement Association expressed neighborhood concern for incorrect applications for building permits and the belief that any variance matters should be determined before, not after, construction.

All parties to the hearing stipulated to a visit by the Deputy Zoning Commissioner to the site and general neighborhood.

After due consideration of the testimony and evidence presented, and a visit to the site and inspection of the general neighborhood, in the opinion of the Deputy Zoning Commissioner, the Petitioners did not exert proper care in providing accurate drawings for permit applications. However, the Deputy Zoning Commissioner is convinced that the Petitioners acted in good faith. Indeed the enclosed porch application specified a 6' x 12' enclosure. Nevertheless, that is irrelevant to the instant case because closer examination of the Petitioner's Exhibit 4 reveals that the enclosed porch meets the required 7-foot setback. On the other hand, the adjacent neighbor expressed legitimate objections to undue encroachments in a congested, although single-family dwelling, neighborhood.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely

ORDER RECEIVED FOR FILING
Date *11/14/86*
By *Stacy J. Schuman*

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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

November 14, 1986

William R. Sutton, Esquire
Sutton & McCurdy
2115 Old Orens Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
SE/S of Stabilizer Drive,
opposite the c/l of
Right Elevator Drive
(25 Stabilizer Drive)
15th Election District
James D. Wyer, et ux Property
Case No. 87-184-A

Dear Mr. Sutton:

Enclosed please find a copy of the decision rendered in the above referenced case. Please be advised that your Petition for Zoning Variance has been granted in accordance with the enclosed Order.

If you have any further questions on the subject matter, please do not hesitate to contact this office.

Very truly yours,

Stacy J. Schuman
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: Mr. Robert Metz
23 Stabilizer Drive
Baltimore, Maryland 21220

People's Counsel

PETITION FOR ZONING VARIANCE

15th Election District

Case No. 87-184-A

LOCATION: Southeast Side of Stabilizer Dr. opposite the Centerline of Right Elevator Drive (25 Stabilizer Drive)

DATE AND TIME: Friday, November 7, 1986, at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side yard setback of 4.5 feet in lieu of the required 7 feet

Being the property of James D. Wyer, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentWilliam R. Sutton, Esquire
Sutton & McCurdy
2115 Old Orens Road
Baltimore, Maryland 21220RE: Item No. 90 - Case No. 87-194-A
Petitioner: James D. Wier, et ux
Petition for Zoning Variance

Dear Mr. Sutton:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Silbermann & Associates
1703 East Joppa Road
Baltimore, Maryland 21234BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550STEPHEN E. COLLINS
DIRECTOR

October 2, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 88, 89, 90, 91, 92, 93, and 94.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

September 16, 1986

TED ZALESKI, JR.
DIRECTORMr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 90 Zoning Advisory Committee Meeting are as follows:

Property Owner: James D. Wier, et ux
Location: SE/S Stabilizer Dr. opposite c/l Right Elevator Drive
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All One Group (except 8-4 Single Family Detached Dwellings) require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. 8-4 One Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 407, Section 406.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
10. Comments:
11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

By: C. E. Burman, Chief
Building Plans Section

12/27/86

PLOT PLAN

OWNER: James D. Wier

ADDRESS: 25 Stabilizer Dr. 21220

PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback 11' Left side setback 11'

Rear yard setback 11' Right side setback 11'

NOTE: If a fence is to be closer than 2 feet to any existing fence, all, adequate access must be provided for maintenance.

EXISTING DWELLING

24' (front)

50'

ROAD NAME: 25 Stabilizer Dr

12/82

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211NORMAN E. GERDORF
DIRECTORMr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

OCTOBER 17, 1986

Re: Zoning Advisory Meeting of SEPTEMBER 9, 1986
Item # 90
Property Owner: JAMES D. WYER, et al
Location: SE/S STABILIZER DR. OPP.
& RIGHT ELEVATOR DRIVE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on _____.
- (X) Landscaping: Must comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments: _____

David Fields, Acting Chief
Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. REINKE
CHIEF

September 5, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: James D. Wier, et ux

Location: SE/S Stabilizer Drive opposite centerline right Elevator Drive

Item No.: 90

Zoning Agenda: Meeting of 9/9/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. Buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- (X) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: John F. Kelly
Planning Group
Special Inspection DivisionNoted and
Approved: John F. Kelly
Fire Prevention Bureau

/mb

OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

25 STABILIZER DR.

JAMES D. & CLEGGENE WYER

25 STABILIZER DR., 21220

61897

MR 15 3

OWNER

F/S STABILIZER DR.

A. TYPE OF IMPROVEMENT

NEW BUILDING CONSTRUCTION

1. NEW BUILDING CONSTRUCTION

2. ALTERATION

3. REPAIR

4. REMOVAL

5. ADDITION

6. OTHER

C. TYPE OF USE

RESIDENTIAL

1. ONE FAMILY

2. TWO FAMILY

3. THREE OR MORE FAMILY

4. FIVE OR MORE FAMILY ENTER NO UNITS

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NOTE: SEPARATE PERMIT REQUIRED FOR ALL ELECTRICAL AND PLUMBING WORK

NOTE: APPROVED PLANS MUST BE ON SITE FOR INSPECTIONS, INCLUDING COMMENTS

Inspections shall be called for between 7:30 A.M. & 2:30 P.M. with one days notice on all inspections, except occupancy inspections, which require at least three days. Plumbing and Electrical inspections must be called for by registered licensed personnel. For inspections call: BUILDING 494-3953, PLUMBING 494-3620, ELECTRICAL 494-3960, FIRE DEPT. 825-7310 ext. 216. The following inspections are required for construction indicated:

1. Footing inspection: shall be called for as soon as the trenches are completed and steel in place if required before pouring concrete.
2. Foundation inspection: shall be called for when the foundation has been waterproofed and before backfilling with earth.
3. Slab inspection: shall be called for when all reinforcing, piping, wiring, weepholes, drain tile, etc., are in place or completed and inspected by Plumbing/Electrical inspection and before pouring concrete.
4. Framing inspection: shall be called for when all structural members are in place, electric and plumbing roughed in and inspected, chimney and duct work installed and before covering with lathe, insulation or drywall. All fire stopping to be installed. A separate ceiling grid inspection to be determined by inspector.
5. Insulation Inspection: after framing inspection, but prior to sheetrock.
6. Occupancy or Final inspection: shall be called for after all other County Agencies concerned have approved, but before the structure is used or occupied.

New Buildings: 6 Inspections Required:
Footing - Foundation - Slab - Framing - Insulation - Occupancy

Alterations: 3 Inspections Required:
Framing - Insulation - Occupancy or Final

Towers: 2 Inspections Required:
Footing - Final

Factory Built Fireplace and Stoves: 2 Inspections Required:
Framing with thimble in place - Final

Masonry Fireplace: 3 Inspections Required: Footing - Throat/Framing - Inspection shall be called for when the throat/framing of the unit is complete, but prior to the erection of the chimney - Final

Tanks: 3 Inspections Required:
Hydrostatic (Fire Dept.) Excavation w/tank, bedding and piping in place prior to backfill (Bldg. Insp.) - Final

Tank Removal: 1 Inspection Required:
tank removed and hole sterilized prior to backfill

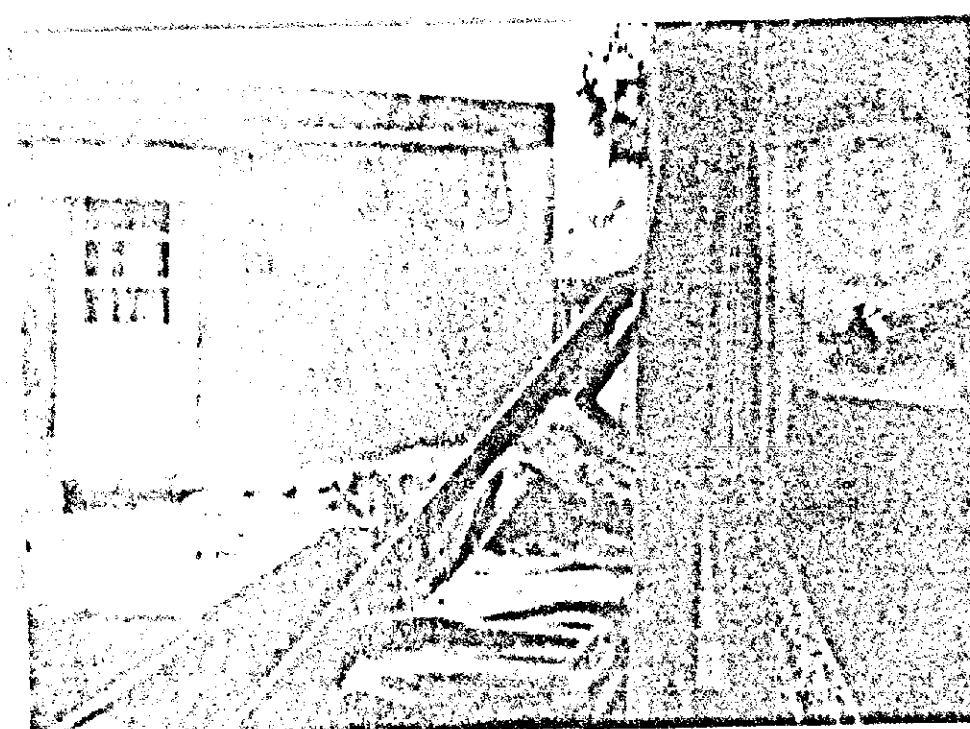
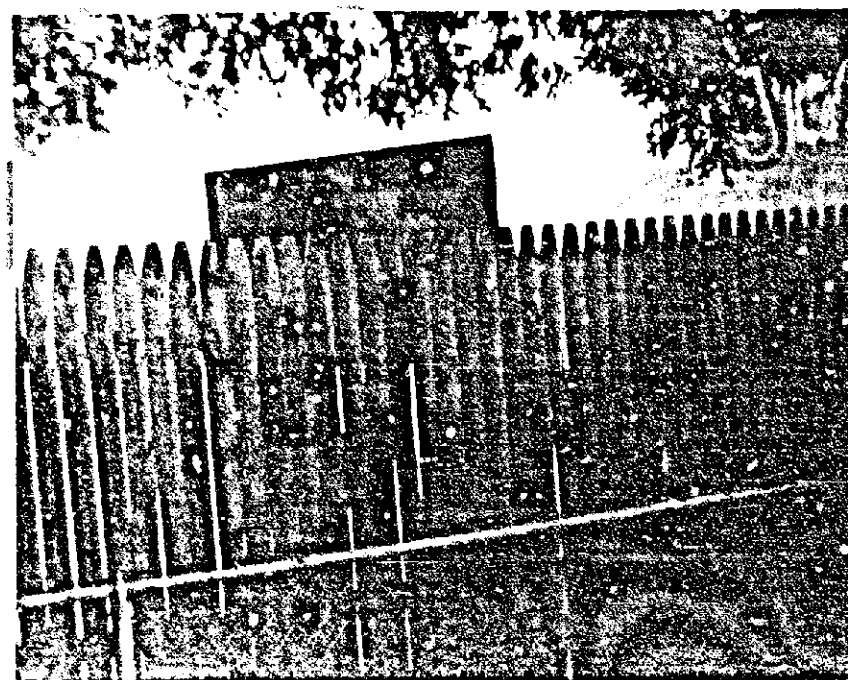
Swimming Pools: 4 Inspections Required:
Steel in place and Bonded - Concrete Poured - Fence erected - Final

Fencing, Siding, Razing, Grading and Temporaries - 1 Inspection Required:
Final (when all work completed per permit)

WELL INSPECTION MUST BE MADE TWO WEEKS BEFORE OCCUPANCY OR FINAL INSPECTION IS TO BE CALLED FOR - 494-2762

** Mechanical Work: Depends on type and extent of work. Contact Inspector after or during preliminary inspection.

7/85



Request for Assistance

Date 8-25-86

CITIZEN INFORMATION

Name: Betty M. Dwy

Address: 33 Stabilizer Dr. 21220

Suspense Date: 9-2-86

Dist: Co. 6 Elec. 15

Telephone: 682-5848 ✓

Form Initiated By: Delene/gam

PROBLEM 33 Stabilizer Dr.

Privacy fence. added 3 sections - up against the fence
removed side door from porch & sided over

CITIZEN CONTACT

Date:

Contact By:

AGENCY ACTION

61896 R permit
4.16.84
Case Closed
8-28-86

COMPLETED
EXPIRY 6

Completed By:

FINAL DISPOSITION

Date:

DCA Staff Person:

Division of Citizens Assistance

